

Submitted	<u>February 8, 2006</u>
Approved	<u>As Written</u>
Date	<u>February 8, 2006</u>

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 22-05
Wednesday, December 7, 2005**

The City of Rockville Planning Commission convened in regular session in the Mayor and Council Chambers at 7:00 p.m., Wednesday, December 7, 2005.

PRESENT

**John Britton, Chair
Frank Hilton Gerald Holtz
Steve Johnson Sarah Medearis
Kate Ostell Robin Wiener**

Present: Jim Wasilak, Chief of Planning
Sondra Block, Assistant City Attorney
Deane Mellander, Planner III
Rebecca Torma, Planner II
Somer Cross, Planner II
Jeremy Hurlbutt, Planner I
Judy Christensen, Historic Preservation Planner

RECOMMENDATION TO MAYOR AND COUNCIL

Street Closing and Abandonment SCA2005-00095, Rockville Town Center Investors, LLC

The applicant is requesting approval for the permanent abandonment of a 750 square foot segment of right-of-way for Beall Avenue at the intersection of North Washington Street.

Mr. Hurlbutt presented the staff report. He explained that the applicant requests the abandonment of a portion of the right-of-way for Beall Avenue between North Washington Street and Hungerford Drive. The extra right-of-way was used to protect a water main that has been relocated to the south side of Beall Avenue as part of the Town Square development. The abandonment was anticipated as part of the Preliminary Development Plan PDP2003-0006 approved for this property. The proposed abandonment does not include a small area near the corner of North Washington Street and Beall Avenue where utility boxes are currently located.

Mr. Hurlbutt explained that this right-of-way is needed for adequate space for architectural detailing and more lot area for an efficient underground parking structure at the corner of Beall Avenue and Washington Street.

Nancy Regelin, Attorney representing the applicant encouraged the Commission to recommend approval to the Mayor and Council. The abandonment was included in one of the conditions of approval in the Preliminary Development Plan that this particular area of right-of-way protected a water line and that was relocated this summer as part of the Beall Avenue and Federal Realty development. After the relocation, they did file for the abandonment.

Commissioner Johnson moved, seconded by Commissioner Wiener to recommend approval of Street Closing and Abandonment SCA2005-00095, Rockville Town Center Investors, LLC per staff recommendations. The motion passed unanimously.

PUBLIC HEARING – *Continuation of November 16 public hearing*

Mr. Wasilak stated that this would come back to the Planning Commission December 14, 2005 for discussion and instructions to staff.

Commissioner Britton informed the audience that the record would remain open until the close of business on December 14, 2005. He stated that the Planning Commission at that meeting would consider testimony and comments. The Commission will vote on the Plans at one of its January 2006 meetings.

Lincoln Park Neighborhood Plan – new neighborhood plan for (Planning Area 6) to replace the 1984 Lincoln Park Neighborhood Plan. The area is bounded generally by the Metro/CSX tracks on the west, Ashley Avenue on the north, North Horners Lane on the east and Lincoln Avenue on the south.

Soo Le-Cho, Attorney representing Centex Homes, potential redeveloper of the MCPS property on North Stonestreet Avenue. Ms. Le-Cho encouraged staff to consider flexibility in development options for the MCPS property. She stated that the Plan was too specific regarding the recommended density and mix of units on the site. She agreed that there should be compatibility and that townhouses would only be introduced where the property does not confront single-family detached units. Ms. Lee-Cho also stated that Centex will move forward with their proposal without addressing the former Lincoln High School, and that structure will not be part of the future application for development.

After further questions from the Commission, Anita Neal-Powell, President of the Lincoln Park Historic Foundation expressed concerns about the public hearing notifications. She felt that the packets that were delivered to neighborhood residents were not complete because they lacked the neighborhood plan and that they were not delivered in a timely manner nor were they delivered to every resident.

Commissioner Britton explained the notification process, the delivery process, comment sheets, and where the community can review the Plans. He noted that the public has additional time to send in their comments and/or attend the December 14, 2005 meeting.

Commissioner Britton suggested resending the notices and forms once again before the December 14, 2005 meeting. Ms. Christensen stated that staff's intent was to contact everyone in the Lincoln Park community. She said she heard no comments that no one received the notifications and, therefore, she assumed that all notifications were received. They will resend the information out again.

Commissioner Medearis expressed concern about the potential threats to the community due to its proximity to the Washington Gas facility and the Suburban propane site. She stated that the additional residential development to be constructed on the WINX property would put those new residents closer to the threat than the existing community and that analysis should be done to determine the impacts.

Lincoln Park Conservation Plan – for new residential development standards in Lincoln Park to preserve neighborhood character.

The following citizens testified:

1. Gail Koenig, 227 Ashley Avenue expressed strong support for the conservation plan.

Annexation Petition ANX2005-00138, Westmore Development LLC and Meadow Lo Corp. – for the annexation of 10.51 acres of land located at 950 North Stonestreet Avenue into the corporate limits of Rockville, with 10.05 acres to be zoned R-60 (One Family Detached, Residential) and .46 acres to be zoned I-1 (Service Industrial).

Ms. Torma reported that staff is still working on this application and will defer this applications. Due to the desire to have the applications related to this project be reviewed at the same time, it is recommended by staff that the public hearing again be continued. This time extension will allow the new development plan to be reviewed prior to the public hearing on the annexation.

Gail Koenig, 227 Ashley Avenue testified the residents on Ashley Avenue support Centrex's revised plan reducing the project to 82 lots and they believe it appropriate; the density conforms to the Lincoln Park Neighborhood Plan of which part of it will be annexed into the City. Ten of the 82 lots would be Moderately Priced Dwelling Units (MPDUs) and the townhouses would be of a price range that conforms to the rest of Lincoln Park. Ms. Koenig commented that the nearby Lincoln Terrace project has already begun. According to their approved plan, there will be 53 townhouses and 7 single-family homes for a total of 60 lots and 11 lots per acre. She stated that, in the Centex Plan, the density of the developed WINX property would be 8.2 lots per acres, which is much lower than the Lincoln Terrace project. The Commission should approve the new Centex Plan. The residents have worked with the new WINX property owners for over two years to come up with a plan that is appropriate. They feel they have succeeded.

In response to Commissioner Johnson, Ms. Koenig stated that the main change to the Plan is to put a 40-foot buffer zone against the industrial area.

Wilma Bell (Lincoln Park Civic Association) distributed written comments supporting Ms. Koenig's statement to the Commission and staff.

Commissioner Ostell requested that staff provide information regarding other properties that would be affected by this text amendment.

Commissioner Britton reminded the audience that the public comment period is open for another week.

BRIEFING

Zoning Ordinance Update – Presentation on recent White Papers discussed by the Mayor and Council on the topic areas of Urban Design, Competing Policy and Nonconformities.

Ms. Cross presented an update of the last zoning overview for the Commission, which was in October 2005.

Ms. Cross presented the highlights of the policy white papers that would be presented to the Mayor and Council in the next couple of months. Ms. Cross stated that staff is currently trying to determine what policy decisions will shape the City code and also to get a general discussion going so that everybody is on the same page.

Ms. Cross presented new regulations for Urban Design, Mixed Use Zones, Residential Zones, and Nonconformities as part of streamlining and simplifying the Zoning Ordinance.

Commissioner Hilton expressed concerns with nonconforming regulations and how they would affect historic properties.

The Commission further expressed concern regarding nonconforming regulations

COMMISSION ITEMS

Old Business

Mr. Wasilak stated that there are many issues with regard to the Chestnut Lodge Exploratory application, and the Mayor and Council have scheduled a meeting on the Chestnut Lodge site, Tuesday, December 13 at 9:30 am to discuss those issues. Mr. Wasilak stated that the Commissioners are invited to attend. He noted that the major issue is what to do with the front of the property with regard to the topography.

Ms. Lee-Cho explained that they are still trying to work out the exact logistics, but currently they are planning to meet on Thomas Street. The meeting is open to the public as well.

Commissioner Hilton asked about the annual reports and when they would be presented to the Commission. Mr. Wasilak replied that there are two outstanding annual reports and one that is due very soon.

New Business

Commissioner Hilton asked staff to provide information on properties that have CPD potential. He also asked if there was an inventory of all of the paper alleys and City properties that people are using that do not belong to them.

Commissioner Hilton inquired about the bicycle pedestrian bridge across I270 on Route 28. Commissioner Ostell read in "Rockville Reports" that it was going to bid again.

Commissioner Britton stated that the Election of the Chair 2006 will be on next week's agenda.

Chief of Planning Report

Mr. Wasilak said that he was looking forward to the Commission's upcoming meetings. He said the December 14 meeting will have the Lincoln Park Plans and two CPD applications regarding Tower Oaks.

ADJOURN

After further discussion, the meeting adjourned at 8:40 p.m.

Respectfully submitted,

Tyler Tansing, Commission Secretary